

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL DOCKET NO.: 5:10CV173-RLV**

**MATTHEW J. LACEY and  
MELISSA A. LACEY,  
a/k/a MELISSA A. HEINZE,  
a/k/a MELISSA A. SMITH,  
Plaintiffs,**

**v.**

**EMC MORTGAGE CORPORATION,  
a Delaware Corporation, BANK OF AMERICA,  
NATIONAL ASSOCIATION, as successor by  
merger to LaSalle Bank National Association,  
as (Trustee) for certificate holders of Bear  
Stearns Asset Backed Securities, Inc., Asset  
Backed Certificates, Series 2004-1 (Holder)  
and DOES 1 through 100, inclusive;  
Defendants.**

**ORDER**

**THIS MATTER** is before the Court upon receipt of Court Ordered Status Reports submitted December 13, 2013. (Docs. 36, 39).

This case has been stayed since May 2011 for purposes of submitting the dispute to binding arbitration. On December 5, 2013, the undersigned requested Status Report(s) to be filed with the Court no later than December 13, 2013. (Doc. 35). Although Plaintiffs did not submit a Status Report as required, Defendants' filing indicates that on November 4, 2013, an Order was issued by the Arbitrator, the Honorable William H. Freeman, granting Defendants' Motion to Enforce Settlement. (Doc. 36, ¶ 1). As represented by Defendants and the former Substitute Trustee<sup>1</sup>, the Arbitrator's November 4, 2013 Order disposes of the claims asserted in the arbitration in their entirety. (Doc. 36, ¶ 2; Doc. 39 / ¶ 5). Accordingly, all of Plaintiffs' claims

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<sup>1</sup> A separate Status Report was filed by the former Substitute Trustee, David A. Simpson, P.C., advising the Court that his role as Substitute Trustee had been fulfilled and that Simpson resigned as Substitute Trustee under the relevant Deed of Trust, effective on or about August 23, 2013. (Doc. 39 / Exh. A).

have been resolved via settlement and enforcement of the parties' agreement by the Arbitrator.<sup>2</sup>

The Arbitrator's decision is binding on this Court.

**IT IS, THEREFORE, ORDERED** that the claims giving rise to the instant lawsuit have been disposed of pursuant to a settlement agreement enforced in arbitration. Accordingly, the **STAY** previously imposed is **LIFTED** and the Deputy Clerk is directed to close the instant civil case.

Signed: December 16, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge



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<sup>2</sup> Plaintiffs' prior counsel, Attorneys Travis A. Collum and Stacy L. Williams, of Collum & Perry, PLLC, have both been permitted to withdraw from the case. (Docs. 37, 38).